

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

1201 NORTH MARKET STREET  
P.O. Box 1347  
WILMINGTON, DELAWARE 19899-1347

302 658 9200  
302 658 3989 FAX

MARY B. GRAHAM  
302.351.9199  
mgraham@mnat.com

February 6, 2008

**VIA ELECTRONIC FILING**

The Honorable Gregory M. Sleet  
United States District Court  
Federal Building  
844 North King Street  
Wilmington, DE 19801

Re: *Merck & Co., Inc. v. Ranbaxy Inc. and Ranbaxy Laboratories Limited*  
C.A. No. 07-229-GMS

Dear Chief Judge Sleet:

This is to let the Court know that, in connection with the claim construction proceedings in this case, Merck is hereby withdrawing its request that the Court construe and correct the phrase "said one to fifteen carbon alkyl" of claim 1. Ranbaxy's position is that no correction of the term is warranted and that the term should be construed to have its plain and literal scope, so Merck's withdrawal of its request will eliminate this issue from the issues the Court needs to decide.

Respectfully,

*/s/ Mary B. Graham*

Mary B. Graham (#2256)

MBG/dla

cc: Clerk of the Court (via hand delivery)  
Frederick L. Cottrell, Esquire (via email and hand delivery)  
Raymond N. Nimrod, Esquire (via email)  
Mark Boland, Esquire (via email)